IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 14 OF 2006

IN

WRIT PETITION NO. 1023 OF 2003

The Worli Pankaj Mansion Co-operative Housing Society Ltd. .. Petitioners

V/s

Brihanmumbai Municipal Corporation and Ors. .. Respondents

And

Girish B. Jain & Ors. .. Respondents/ Intervenors

Mr.Shailesh Shah i/b Mr.Mukesh Jha for the Intervenors in support of the motion.

Mr.R.M. Nakhwa i/b Mr.V.B. Dhavan for the Petitioners.

Ms.A. Savla for Respondent No.1.

Mr.Shyam Divan i/b Harakchand & Co. for Respondents No.6 to 10.

Mr.S.G. Joshi (Respondent No.11) in person.

CORAM : H.L. GOKHALE & ABHAY S. OKA, JJ.

DATE : 20TH JANUARY 2006

P.C. :

1. Heard Mr.Shah in support of this motion which is

taken out by three individuals to join in Writ Petition No.1023 of 2003. Mr.Nakhwa appearing for the main Petitioners point out that out of them one Mr.Girish Jain is already an intervenor. However, as far as the other two persons are concerned, viz. Mr.Bharat C. Jain and Mr.Vimlesh Kabra, inasmuch as they are the occupants of the Petitioner Society, they will be allowed to intervene. We however note the objection that they are not the members of the Society and permitting them to intervene does not mean anything more than a right of audience in the matter of repairs of building.

2. As far as prayer (b) of the motion is concerned, this is to permit the occupants of Building "B" to carry out the repairs. Mr.Joshi is one of the occupants of this building. He is present in Court. He has taken out another motion. He has an objection to the occupants carrying out such repairs. The property belongs to the Society and, therefore, in law it is for the Society to carry out the repairs. Prayer (b) of this motion therefore cannot be granted. The same is rejected.

3. Motion stands disposed of.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)